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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 BRIAN DEVERICK LEWIS,) Case No. CV 08-7336-DSF (DTB)
12 Plaintiff,)
13 vs.) ORDER TO SHOW CAUSE
14 C. GULLET, et al.,)
15 Defendants.)
16)
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18 On August 8, 2011, the Magistrate Judge issued its Report and
19 Recommendation (“R&R”) in this matter. Plaintiff’s Objections to the R&R were due
20 on or before August 22, 2011. No Objections were filed within the allotted time and,
21 on November 2, 2011, the District Judge accepted the findings, conclusions and
22 recommendations of the Magistrate Judge granting with leave to amend defendants’
23 Motion to Dismiss for failure to state claim for the denial of access to the courts;
24 denying without prejudice defendants’ Motion to Dismiss based on qualified
25 immunity; and denying defendants’ request to strike plaintiff’s request for punitive
26 damages. The order expressly stated that if plaintiff still desired to pursue a claim
27 alleging a denial of access to the courts, he was required to file a Third Amended
28 Complaint on or before December 2, 2011.

1 Plaintiff has failed to file a Third Amended Complaint within the allotted time nor has
2 he requested an extension of time within which to do so.

3 Accordingly, on or before **January 27, 2012**, plaintiff is ORDERED to either
4 (a) advise the Court that he does not desire to pursue a denial of access to the courts
5 claim; (b) if plaintiff does desire to pursue a denial of access to the courts claim, show
6 good cause in writing, if any exists, why plaintiff has not timely filed with the Court
7 his Third Amended Complaint, and why the Court should not recommend that this
8 action be dismissed, with prejudice, for failure to prosecute and failure to comply
9 with the Court's prior Order; or (c) serve and file a Third Amended Complaint.
10 Plaintiff is forewarned that, if he fails to do either, the Court may deem such failure
11 a further violation of a Court order justifying dismissal, and also deem such failure
12 as further evidence of a lack of prosecution on plaintiff's part.

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14 DATED: December 27, 2011

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DAVID T. BRISTOW
UNITED STATES MAGISTRATE JUDGE
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